

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
May 15, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, May 15, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. The invocation was given by Dr. George Barnes, Hornsbyville Baptist Church.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. John Mazur, Assistant Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He reported that the bikeway on Goodwin Neck Road was almost complete. The right-turn lanes and third through lane on Route 17 in the Washington Square to Wolftrap Road area are complete with just a few minor repairs to be made. He informed the Board that the Virginia Transportation Programming Meeting, formerly known as the Preallocation Hearing, will be held July 12, 2001, at 9:00 a.m. at the District office.

Mr. Ashe spoke of the left-turn lane that was added at Victory Boulevard and Route 17. He stated he felt that one of the lanes should be extended another 300 feet because of traffic congestion.

Mr. Mazur explained that the additional lane was added to allow storage area for the backed up traffic. He offered to check into traffic back-ups in the turn lane.

Mr. Ashe asked Mr. Mazur to look at the striping on Yorktown Road in front of Tabb High School. He stated there is no designated left turn without crossing over the double, yellow lines.

Mr. Zarembo asked for an update on the Busch Gardens flyover project.

Mr. Mazur reported the Department was still working with the contractor and has called in another contractor to assess environmental concerns. Work on the bridge is continuing, and progress has been made in the last couple of weeks to get everything done. He stated it would probably be months before it was completed, but there is a push to get it opened.

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Mr. Wiggins mentioned the drainage problems on Hornsbyville Road and his request to Mr. Elliott at the previous meeting for him to look into that issue. He then offered to go out to the subject property to show VDOT his concerns. He reported that Dandy Loop Road runs parallel to the water and is in a low area. He explained that the trees in the woods had encroached on the ditches in that area and caused the drainage to run in a circle. He stated that mailboxes are sitting in the ditches, and he suggested moving the ditches and perhaps taking down the trees. He asked Mr. Mazur to look at that area.

Mr. Mazur explained that the amount of right-of-way usually dictated where everything had to fit, and he agreed to look at the area.

Chairman Burgett stated that Yorkshire Drive desperately needed to be repaved. He asked Mr. Mazur to look at it, stating it was in the worst condition of any road in his district.

Mr. Ashe stated that on Yorktown Road by Tabb Middle School there is a tremendous amount of children who live nearby and walk to school. He stated the shoulder of the road is not wide enough for the children to walk on, and he feels it is dangerous.

Mr. Mazur stated he would check on this and get back with Mr. Ashe.

PRESENTATIONS

STUDENT LOCAL GOVERNMENT PROGRAM

Chairman Burgett noted that May was Student Local Government Month, and he explained the activities taking place in the school system and with County government to recognize it.

Ms. Patricia Hannum, Community Activities Coordinator, then introduced the following students present who were participating in Student Local Government Program as shadows to the Board of Supervisors, the County Administrator, and the County Attorney:

Peter Wubbels	Bruton High School
Erin Causey	Bruton High School
Joanna Old	Bruton High School
Sarah Myers	Grafton High School
Timothy Yu	Grafton High School
Natalya Hrichak	Grafton High School
Rebecca Thomasson	Grafton High School
Nancy Miller	Tabb High School
Jason Reader	Tabb High School
Jonathan Duey	Tabb High School
Chris Stump	Tabb High School
Ashley Carter	York High School
Kathleen Hinger	York High School
Danielle Hale	York High School

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed the following newly appointed members to the York County Wetlands Board and the York County Transportation Safety Commission, and presented them with Boards and Commissions Handbooks and York County pins:

Bobby C. James
Edward G. Moninger

York County Wetlands Board
York County Transportation Safety Commission

WILLIAMSBURG AREA CONVENTION AND VISITORS BUREAU

Mr. Dave Schulte, Executive Director of the Williamsburg Area Convention and Visitors Bureau, made a presentation to the Board that included information on its mission, budget, comparative charts, and results of the 2000 campaign. He discussed the benefits to Yorktown from the Bureau's tourism efforts, which are supported by contributions from the County's lodging tax revenue. Its survey indicated the visitors to Yorktown who purchased the Visitors Guide were twice as likely to visit Yorktown as typical visitors. It is estimated that approximately 30,000 visitors were influenced to visit Yorktown based on the survey results that have been conducted. Mr. Schulte discussed visitors' spending and tax revenues, the competitiveness of other localities for tourism dollars, and the benefits the Yorktown area derived from the Bureau.

COMMUNICATION SYSTEM UPGRADE

Mr. McReynolds briefed the Board on the upgrade of the County's communications system. He stated that at the April 17 regular meeting, the Board tabled the item addressing the expenditure of \$90,000 from the Contingency Reserve to begin Phase II of the proposed Communications System upgrade jointly with James City County. He stated that since that meeting, additional information has been provided to the Board and aired on Cable Channel 46. He then listed the reasons for a recommendation to move ahead with this important project, including aging equipment, limited channel capacity, radio system interference, and the FCC initiative reassigning frequencies.

Mr. Danny Diggs, York County Sheriff, stated the upgrade would benefit the school division, all departments in the County, Fire and Life Safety, and the Sheriff's Office. He stated the upgrade was a necessity because the current system is 20 years old and does not provide the capabilities to meet today's needs. He stated there are daily, simultaneous incidents which take place that have delayed deputies from speaking on the radio. He stated that Newport News, Hampton, Norfolk, and Virginia Beach have already implemented this 800 megahertz communication system. He suggested that the Board trust in the two independent consultants that recommended the County upgrade to 800 megahertz. He stated the Fire Chief, the Communications Manager, the Sheriff's Office, and staff have researched the proposed system extensively and are unanimous in the recommendation that this upgraded system be implemented.

Mr. Stephen Kopczynski, Fire Chief, noted that his department strives to provide the citizens with the highest quality service available. He stated that without a good communications system, the responses may be delayed in emergency situations, resources may be used ineffectively, and the ability to coordinate with other agencies becomes severely limited. The age of the equipment and its limitations have resulted in a number of shortcomings, thereby

creating a need to upgrade the system. He stated there are areas where radio coverage results in poor communications and no longer meets the latest standard for public safety system radio coverage. The current system has a limited number of radio channels which impacts the department's ability to effectively manage multiple working emergencies or a single complex incident.

CITIZENS COMMENT PERIOD

Ms. Amanda Hayes, Criminal Justice Planner to the Colonial Community Criminal Justice Board, explained the organization was an advisory board with appointments from York, as well as five other localities, with a mission to promote and enhance the safety and well being of citizens. She spoke in support of the communication systems upgrade and felt since it was a regional effort, it would provide greater coverage for public safety and services. She stated this effort would support and enhance law enforcement officer safety and the safety of firefighters. She encouraged the Board's support.

Mr. Wallace Robertson, 202 Broken Bridge Road, retired York County Fire Chief, stated he had the opportunity to visit other localities and knew the tremendous value of the 800 megahertz system for emergency communications provided to those localities. He stated that with the population and call demand in the County, it was absolutely unheard of to operate on one channel during emergencies. He noted he understood it was a tremendous amount of money, but he stated the system has not been upgraded since 1982. He asked the Board to consider the purchase and upgrade of this proposed communication system.

Meeting Recessed. At 7:57 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:06 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

APPLICATION NO. UP-575-01, STEPHEN D. ASHE

Mr. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. UP-575-01 which requests a use permit authorizing a detached accessory apartment in conjunction with a single-family detached dwelling located at 231 Jethro Lane. He explained the applicant was constructing a single-family dwelling, and this proposal was to convert the existing single-family residence that is located on the property into an accessory apartment. He stated the existing residence was approximately 2,300 square feet, and the accessory apartment would be 965 square feet in size, representing 19 percent of the floor area of the applicant's proposed new residence, with the remainder of the existing house being converted into storage space. He explained that the applicant entered into an agreement with the County guaranteeing that the existing residence would be demolished prior to issuance of a Certificate of Occupancy for the new house. If he is unsuccessful in securing a use permit for the apartment, that agreement will be enforced. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-86.

Mr. Stephen Ashe, the applicant, thanked Mr. McReynolds for the time and effort put into the application and the recommendation for approval. He stated he was hoping to have a family member live in the apartment.

Mrs. Noll asked who was going to live in the apartment.

Mr. Ashe responded that he and his wife had a large family, and one of the family members would be using the apartment.

Chairman Burgett called to order a public hearing on Application UP-575-01 that was duly advertised as required by law. Proposed Resolution R01-86 is entitled:

A RESOLUTION TO APPROVE A DETACHED ACCESSORY APART-
MENT LOCATED AT 231 JETHRO LANE

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins stated he felt that since the applicant had 8 acres, the property was not crowded, and he may want to develop the property later on, he did not see any reason not to approve the application.

Mr. Zaremba asked the reason for the agreement regarding the existing residence.

Mr. Carter stated this agreement process has been done in the past and is normally used when a house is in a serious state of disrepair and someone proposes to build a new, replacement house. The basic ordinance requirement states that there cannot be more than one residence on the property. The agreement has been developed to allow the occupancy of the first house while the second is under construction, as long as the County is guaranteed that the first one will be demolished before the second one gets its certificate of occupancy. After the applicant entered into that agreement, he then decided to pursue the accessory apartment route. Mr. Carter explained that the first house was in good condition and was a significant asset on the property, and staff understands the applicant's desire to pursue conversion to the accessory apartment.

Mr. Zaremba asked about the size of the parcel and if the applicant was only allowed to build one house.

Mr. Carter stated the parcel would have to be subdivided to allow for more than one house. He stated there were options to subdivide the property; the primary option available without going into a lot of public infrastructure construction would be the family subdivision route.

Mr. Zaremba noted that Planning Commissioner Simasek had asked the applicant if he ever intended to demolish the existing home, stating his answer could be interpreted that he never intended to demolish the house and knew he had to enter into an agreement with the County when the new house was built. He asked if his interpretation was correct.

Mr. Carter stated the applicant had proceeded the way others had before in the past, but the difference was that the house that was to be demolished was not about to fall down as in previous applications.

Mrs. Noll asked about the possibility of dividing the property and keeping the existing house.

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Mr. Carter explained the family subdivision route would provide an opportunity for that.

Mrs. Noll stated the ordinance says one house per lot, and she did not have a problem with the way the ordinance was written. She stated she did not feel the County was hurting a landowner by requiring a family subdivision if the landowner wants two houses on the property and the property is large enough to subdivide.

Mr. Wiggins then moved the adoption of proposed Resolution R01-86 that reads:

A RESOLUTION TO APPROVE A DETACHED ACCESSORY APARTMENT LOCATED AT 231 JETHRO LANE

WHEREAS, Stephen D. Ashe has submitted Application No. UP-575-01, which is a request for a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 231 Jethro Lane and further identified as Assessor's Parcel No. 25-451B; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that Application UP-575-01 be, and it is hereby, approved to authorize a detached accessory apartment in conjunction with a single-family detached dwelling on property located at 231 Jethro Lane subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 231 Jethro Lane and further identified as Assessor's Parcel No. 25-451B.
2. Building plans shall be in conformance with the drawings submitted by the applicant and shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction or conversion activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 965 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.

6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be comparable with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. As depicted on the sketch submitted to the Planning Division and dated March 9, 2001, the applicant shall convert the designated portions of the structure to storage space accessory to the principal residence on the property. Compliance with this requirement shall include the removal of all non-load bearing walls in the current bedrooms section of the structure, the installation of an outside entrance into this section of the structure, the closing of any passageways into this section from the accessory apartment, and installation of any fire separation walls that may be required by the Building Code. Implementation of this conversion shall be coordinated with the Building Official and shall be completed, and approved by the Building official and the Code Enforcement Supervisor, prior to issuance of the Certificate of Occupancy for the accessory apartment.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea:	(3)	Zaremba, Wiggins, Burgett
Nay:	(1)	Noll
Abstention:	(1)	Ashe

Mr. Ashe explained he abstained from voting because the applicant was a relative.

APPLICATION NO. UP-576-01, CRAIG ROUNTREE BUILDING AND REMODELING.

Mr. Mark Carter made a presentation on Application No. UP-576-01 requesting approval of a use permit authorizing an attached accessory apartment in conjunction with a single-family detached dwelling located at 111 Chismans Point Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-87.

Chairman Burgett called to order a public hearing on Application No. UP-576-01 that was duly advertised as required by law. Proposed Resolution R01-87 is entitled:

A RESOLUTION TO APPROVE AN ATTACHED ACCESSORY
APARTMENT LOCATED AT 111 CHISMANS POINT ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll pointed out that the accessory apartment was for a family member, and she then moved the adoption of proposed Resolution R01-87 that reads:

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A RESOLUTION TO APPROVE AN ATTACHED ACCESSORY
APARTMENT LOCATED AT 111 CHISMANS POINT ROAD

WHEREAS, Craig Rountree Building and Remodeling has submitted Application No. UP-576-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an attached accessory apartment in conjunction with a single-family detached dwelling on property located at 111 Chismans Point Road and further identified as Assessor's Parcel No. 25M-(1)-3; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that Application UP-576-01 be, and it is hereby, approved to authorize an attached accessory apartment in conjunction with a single-family detached dwelling on property located at 111 Chismans Point Road subject to the following conditions:

1. This use permit shall authorize an attached accessory apartment in conjunction with a single-family detached dwelling on property located at 111 Chismans Point Road and further identified as Assessor's Parcel No. 25M-(1)-3.
2. Building plans shall be in substantial conformance with the sketch plans submitted by the applicant and shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site that are associated with the components of an accessory apartment.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 800 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be comparable with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense

of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

APPLICATION NO. PD-13-01, RAINBROOK VILLAS, L.L.C. AND VILLA DEVELOPMENT, L.L.C.

Mr. Mark Carter made a presentation on Application No. PD-13-01 to reclassify approximately 10.5 acres located on the west side of Burts Road from Medium Density Residential, Resource Conservation, and General Business, to Planned Development, to authorize the expansion of existing Rainbrook Villas from 112 units to 166 units, and to reclassify approximately 1.2 acres on the west side of Burts Road from Medium Density Residential to General Business. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application, with the exception of Proffer Numbers 9B and 10B, through the adoption of proposed Ordinance No. 01-5(R) and with a minor change to one of the dates referenced in the conditions.

Mr. Paul Garman, the applicant, indicated he had appeared to answer any questions the Board had and stated he appreciated staff's help on the proffers for the two projects. He spoke concerning the types of target buyers, the number of units sold, and the average age of the buyers. He asked the Board for its support of the application.

Mr. Wiggins asked if there was an exit on Burts Road or a turnaround area.

Mr. Garman explained that issue would not be decided until the Board made a decision on the application. He stated there is no opposition to eliminating the connection to Burts Road and putting a "T" turnaround, and also to building an emergency access road for emergency vehicles.

Chairman Burgett then called to order a public hearing on Application No. PD-13-01 that was duly advertised as required by law. Proposed Ordinance No. 01-5(R) is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. PD-13-01 TO EXPAND THE RAINBROOK VILLAS PLANNED DEVELOPMENT ONTO AN ADJACENT 10.14 ACRES AND TO RECLASSIFY APPROXIMATELY 1.6 ACRES ON THE WEST SIDE OF BURTS ROAD SUBJECT TO CERTAIN CONDITIONS PROFFERED BY THE OWNERS OF THE PROPERTY

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll asked about the changes to the Ordinance.

Mr. Carter stated the change needs to be made to a date referencing the proffer statement at the bottom of page 6 and the top of page 7. He stated the date should be April 3, 2001.

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Mr. Wiggins explained that this request came before the last Board and, since that time, he had spoken to residents who lived there and liked it. He stated he recognized a need for a community like this, and he felt it was a beautiful project.

Mr. Ashe stated he also toured the project and met some of the residents there. He stated it was a great area to live in and was a good opportunity for the senior citizens in the community.

Mrs. Noll then moved the adoption of proposed Ordinance No. 01-5(R) that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. PD-13-01 TO EXPAND THE RAINBROOK VILLAS PLANNED DEVELOPMENT ONTO AN ADJACENT 10.14 ACRES AND TO RECLASSIFY APPROXIMATELY 1.6 ACRES ON THE WEST SIDE OF BURTS ROAD SUBJECT TO CERTAIN CONDITIONS PROFFERED BY THE OWNERS OF THE PROPERTY

WHEREAS, Villa Development and Rainbrook Villas, L.L.C. have submitted Application No. PD-13-01 which requests amendment of the York County Zoning Map by reclassifying an approximately 10.14 acre piece of property from RC (Resource Conservation), R-20 (Medium Density Residential), and GB (General Business) to PD (Planned Development) and an approximately 1.6 acre piece of property from R-20 (Medium Density Residential) to GB (General Business) located on the west side of Burts Road and further identified as Assessor's Parcel No.'s 29-18, 29-82, and portions of 29-81, 29-82B, 29-82C, 29-82D, and 29-83; and

WHEREAS, said application has been forwarded to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board of Supervisors has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 15th day of May, 2001, that it does hereby approve Application No. PD-13-01 to amend the York County Zoning Map by reclassifying from an approximately 10.14 acre piece of property from RC (Resource Conservation), R-20 (Medium Density Residential), and GB (General Business) to PD (Planned Development) and an approximately 1.2 acre piece of property from R-20 (Medium Density Residential) to GB (General Business) located on the west side of Burts Road and further identified as Assessor's Parcel No.'s 29-18, 29-82, and portions of 29-81, 29-82B, 29-82C, 29-82D, and 29-83 and more fully identified and described as follows:

From RC (Resource Conservation), R-20 (Medium Density Residential), and GB (General Business) to PD (Planned Development):

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing approximately 10.14 acres and being known and designated as "Area proposed to be rezoned from RC, R-20, and GB to PD (10.14 acres)" as shown on

that certain preliminary plan entitled "Preliminary #11, Additional Land of Rainbrook Villas" prepared by The Sirine Group, LTD., dated February 28, 2001 and more particularly described as follows:

Beginning at a point on the proposed right-of-way of the future Burts Road alignment thence proceeding along the future Burts Road right-of-way S 12°-17'-40" E 801.74 feet to a point; thence turning and leaving said future right-of-way S 74°-52'-23" W 125.81 feet to a point; thence N 77°-34'-37" W 239.36 feet to a point; thence N 17°-01'-32" W 63.43 feet to a point, thence N 73°-41'-37" W 353.76 feet to a point; thence N 06°-29'-28" W 510.11 feet to a point; thence N 80°-44'-20" E 185.97 feet to a point; the point of beginning. Said parcel being further described as the western most 441,737 SQ. FT. of properties designated as tax parcel 29-82D, 29-82, 29-82B AND 29-83 on the County of York Tax Maps; Owned by Villa Development, L.L.C., a Virginia Limited Liability Company.

From R-20 (Medium Density Residential to GB (General Business)

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing approximately 1.6 acres and being known and designated as "Area proposed to be rezoned from R-20 to GB (1.58 acres)" as shown on that certain preliminary plan entitled "Preliminary #11, Additional Land of Rainbrook Villas" prepared by The Sirine Group, LTD., dated February 28, 2001 and more particularly described as follows:

Beginning at a point on the proposed right-of-way of the future Burts Road alignment thence proceeding along the future Burts Road right-of-way N 12°-17'-40" W 335.71 feet to a point; thence turning and leaving said future right-of-way of Burts Road S 78°-35'-43" E 316.95 feet to a point on the western right-of-way of the existing Burts Road; thence S 07°-15'-45" W 198.87 Feet to a point, thence turning and leaving said right-of-way and running S 72°-21'-47" W 224.62 Feet to a point, the point of beginning. Said parcel being further described as the eastern most 68,975 SQ. FT. or 1.583 Acres of properties designated as Tax Parcel 29-82C AND 29-82D on the County of York Tax Maps; Owned by Villa Development, L.L.C., a Virginia Limited Liability Company.

BE IT FURTHER ORDAINED that the following conditions shall apply to the development of the above described property under the PD classification:

1. General Layout, Design, and Density

- a. Except as specifically modified herein, a site plan shall be submitted for the development of this property and shall proceed in accordance with the plan entitled, "Preliminary #11, Additional Land of Rainbrook Villas" prepared by The Sirine Group, Inc., and dated 2/28/01. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as submitted or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance.

- b. Except as modified herein, the layout and design of this development shall comply with the Planned Development regulations as provided in Section 24.1-360 of the York County Zoning Ordinance.
- c. The maximum number of residential units shall be 166.
- d. Street trees at least 1-1/2 inches in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals along the outer loop of the interior road in Phase One of the development. Street trees at least 1-1/2 inches in diameter shall be provided (or credited for existing trees) at no less than forty-foot (40') intervals along both sides of the interior road proposed to be extended from Phase One to an intersection with realigned Burts Road.

2. Streets and Circulation

- a. Roadway design and construction shall be in substantial conformance with the Development Plan. The design and construction of all streets shall adhere to the street and roadway standards established for public streets by the County and the Virginia Department of Transportation (VDOT). The applicant shall bear responsibility for installing all roadway improvements.
- b. All streets shall be of a curb and gutter design; roll-top curb shall be permissible throughout the development.
- c. In order to provide for safe and convenient pedestrian circulation, the project shall include a four foot (4') wide sidewalk as shown on the concept plan with connections to the pedestrian trails also shown on the concept plan.
- d. Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- e. The developer shall dedicate to VDOT within 60 days upon notice by VDOT sufficient right-of-way on the subject property necessary for the completion of the Grafton Drive and Burts Road realignment connector (as shown on the concept plan) that is included in the County's Six-Year Secondary Road Improvement Plan.
- f. The developer shall establish an emergency services access, acceptable to the Department of Fire and Life Safety, to Phase Two of the development. The emergency access drive shall be constructed with a compacted gravel base overlaid with a layer of soil capable of supporting grass and accommodating the weight of large fire and rescue apparatus. This connection shall also be gated and locked to prevent all access other than emergency services vehicles.
- g. Upon completion of the Burts Road/Grafton Drive realignment, the developer shall abandon the temporary access on Route 17 (Parcel 29-18) and construct a permanent entrance to serve Phase One, acceptable to the County and VDOT, on realigned Burts Road. In addition, upon completion of the Burts Road/Grafton Drive realignment, the developer shall construct a second permanent entrance to serve Phase Two, acceptable to the County and VDOT, on realigned Burts Road.

3. Utilities and Drainage

- a. Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
 - b. A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Newport News all easements deemed necessary by the County for maintenance of such water lines.
 - c. The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
 - d. The homeowners' association shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.
4. Open Space and Recreation
- a. The location and arrangement of open space shall be generally as depicted on the plan entitled, "Preliminary #11, Additional Land of Rainbrook Villas," dated 2/28/2001.
 - b. A minimum of 7.4 acres of open space shall be provided. Said open space may include water management facilities, environmentally sensitive areas, roadside buffers, and recreation space.
 - c. A minimum of 3.0 acres of recreation space shall be provided. Said recreation space shall be developed, at a minimum, with a pedestrian pathway, park-style benches along the pedestrian pathway, and an enclosed-screened gazebo as indicated on the master plan. The physical design of the pedestrian pathway shall be designed in such a manner as to accommodate the walking/exercise needs of active seniors and the physically challenged.
 - d. The recreation area and facilities designated for the originally approved project, including the pedestrian pathway, must be developed and available for use on or before the occupancy of the twenty-fifth (25th) unit or by the end of the fifth (5th) year from the start of construction, whichever occurs first.
 - e. The recreation area and facilities designated for the expansion of the project, including the pedestrian pathway, must be developed and available for use on or before the occupancy of the one hundred thirty-second (132nd) unit or by the end of the fifth year from the start of construction, whichever occurs first.

- f. The location and manner of development for the recreation area shall be fully disclosed prior to closing in plain language to all home purchasers in this development.
- g. All landscaped buffer areas shown on the master plan or required herein shall be encumbered with landscape preservation easements running to the benefit of the County or homeowners' association. Such easements shall stipulate that the described land will remain in its natural state and preclude future or additional development; such easements shall be acceptable as to content and form to the County Attorney.
- h. All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.
- i. All recreational services, facilities, and equipment shall be subject to approval by the Division of Parks and Recreation Manager for their consistency with the applicant's proffered conditions and recreational requirements as listed in the Planned Development regulations in the Zoning Ordinance.

5. Environment

- a. Prior to final plan approval, the applicant shall obtain all wetland permits required by federal and state regulations and submit copies of these permits, or evidence that such permits are unnecessary, to the Zoning Administrator.
- b. A major water quality impact study shall be submitted with the development plan consistent with the provisions stated in Section 24.1-372, Environmental Management Area Overlay District.

6. Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement entitled, "Statement of Proffers (Revised 4-3-01)," except for condition numbers 9B and 10B, which are attached hereto and made a part hereof by reference.

7. Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497, *Declaration of Covenants and Restrictions*, of the Zoning Ordinance.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

CITIZENS COMMENT PERIOD (continued)

Mr. Richard Miller, Fire Chief from James City County, appeared before the Board to speak on the Communication Systems Upgrade. He reaffirmed James City County's position to move forward with its 800 megahertz radio system, and it would be preferable to do it regionally.

Chief Miller encouraged regional cooperation between the two jurisdictions to accomplish the upgrade, and he offered to answer any questions the Board had.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett spoke about one possible draft of a graffiti ordinance he had provided the Board members and reminded them he was waiting for feedback from them. He explained that the draft provided was modeled after the ordinance adopted by Hampton. He summarized that by declaring graffiti to be a public nuisance, it would allow the County to reserve its right to clean up the graffiti at the owner's expense. He explained that not every jurisdiction in Hampton Roads took the action of cleaning up at the owner's expense. He stated he was now preparing a draft on parking restrictions on public rights-of-way in the County and the classification of vehicles with regard to parking.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of the employee picnic coming up on June 13, 2001. He also reminded the Board members of the work session scheduled for May 22, to discuss redistricting and amendments to the comprehensive plan to incorporate requirements of the Chesapeake Bay Act. A public hearing is scheduled for June 5 to receive public comment on that item. He stated the Board will also discuss the potential use of the commons area in Yorktown.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba discussed the Town Hall meeting that he held on May 14 to specifically discuss what to do with the one-acre parcel of land in front of Chischiak Watch along Water Street recently purchased by the Board, and whether or not that parcel should be turned into a parking lot. More than 40 citizens were in attendance, and not one of them spoke in favor of a parking lot. He stated it had been suggested that the land be used for something with economic return such as a retail establishment or a restaurant. Others suggested the County do nothing with the property and leave it as it is. He cited areas where parking is permitted in Yorktown and when those parking areas are available, and it was suggested that citizens use the trolley system for the historic area. Discussions also included eliminating all parking along the waterfront.

Mr. Wiggins also spoke regarding Mr. Zaremba's town meeting and of a disagreement taking place with some of the prominent citizens of Yorktown who seem to be bitterly opposed to the Yorktown Master Plan. He reported that some of those citizens served on the Focus Committee and then decided what they really wanted to see in Yorktown. He stated the last Board took those ideas and developed a way to fund them and began this great project. Some of those same citizens are now saying the County has no business doing the project, that it is not needed, and they want it stopped. Mr. Wiggins declared he did not feel the project could stop; the decision had been made to move forward with the Master Plan, and he felt it was the correct decision.

Mrs. Noll stated that the Yorktown Steering Committee had met, and the same issues were aired regarding the Yorktown Master Plan. She then reported on the Chamber of Commerce's Legislative Breakfast and the joint meeting with the Industrial Development Authority (IDA). During the meeting with a IDA, a good presentation on the Aviation World's Fair was provided.

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Mrs. Noll indicated she was currently serving on the Virginia Association of Counties' Transportation Committee, and she stated that transportation in the Commonwealth is underfunded. She reported on the features of the Safety Town program offered for pre-kindergarten children and gave the dates, times, and locations of the program.

Mr. Ashe reported on the meeting he arranged with a Commonwealth Transportation Board member in reference to the Yorktown Waterfront Project. The County submitted two requests for grant funding—one for the waterfront beach trail and the other for the wharf. The County was informed that its application was very highly rated, and he will find out on Thursday the amount of funding the County will get, which could be a considerable sum. Mr. Ashe also reported on the joint meeting with the IDA and the discussion on the fuel farm. He stated he met with the Department of Housing and Community Development, the Virginia Housing Development Authority, and had an opportunity to have a meeting with the Secretary of Commerce. He also visited with the Deputy Secretary of Commerce, Mr. Josh Lee, who was working on getting the fuel farm released. He revisited the sewer tap fees that were discussed several meetings ago and stated staff had provided him with the specifications on those fees. He explained that when new sewers are installed, the citizens need to consider paying the connection fee within the 90-day period offered, including the tap fees for any additional lots, in order to receive the discounted installation fee. He noted that this week was Emergency Medical Services Week, and he encouraged recognition of emergency medical personnel, both in York County and nationwide.

Chairman Burgett thanked Mr. Ashe for his exemplary efforts and assistance in trying to obtain \$2.5 million in grants for the waterfront projects. He commented on the joint IDA meeting and stated the Board had asked the IDA to look at the feasibility of constructing another shell building. He stated the Board's number one goal was economic development. He noted that on Thursday, May 17, the IDA and the Office of Economic Development were sponsoring Business Appreciation Week. He also reported that the York County Historical Committee had worked diligently to raise money for the York County War Memorial that will be located in front of York Hall. The dedication to honor York County's veterans will be at 2:00 p.m. on Monday, May 28.

UNFINISHED BUSINESS

Mr. McReynolds made a brief presentation on proposed Resolution R01-79 to consider authorizing the expenditure of \$90,000 for Phase II of the Communications System Upgrade Project from the Contingency Fund.

Chairman Burgett reminded the Board that this was the third presentation on the matter, and he asked for questions from the Board.

Mr. Wiggins stated the citizen opinion surveys in the County have shown that the citizens are very satisfied with the Sheriff's Department, Fire Department, Emergency Medical Services, and the schools. He felt the need for the radio system upgrade to provide quick response time was apparent and that the County had adequately grown to justify the purchase of the communication system.

Mr. Ashe stated he had taken this issue very seriously and spent a considerable amount of time researching the issue including talking to other localities. He discovered that the 800 megahertz system was definitely the system for the present and immediate future. He felt it was appropriate to proceed with the upgrade of the system. He felt the resolution should be

modified to make the decision to proceed with the project rather than a resolution to approve the final amount.

Mr. McReynolds explained that the \$90,000 would cover the design phase as well as the implementation portion. He felt it was the most economical way to procure services. He did not believe there would be a significant difference in the amount of cost over the design. He stated the majority of the work has to be done in the design phase.

Mr. Terry Hall, Communications Manager, stated Mr. McReynolds' explanation was correct and that the contract would state an "up to" amount. Also, the contractor would be paid in phases.

Mr. Zaremba stated the Board needed to be informed at each phase of the process.

Chairman Burgett stated the responsibility of the Sheriff, the Fire Chief, and the Board is to look into the future. The current system was adequate for the previous years, but the technology of the system is old. He stated the Board was looking towards the future, and he was in favor of the new communications system upgrade.

Mrs. Noll then moved the adoption of proposed Resolution R01-79 that reads:

A RESOLUTION TO AUTHORIZE THE EXPENDITURE OF UP TO \$90,000 FROM THE CONTINGENCY RESERVE FOR PHASE II OF THE JOINT RADIO COMMUNICATIONS UPGRADE PROJECT AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO PROCURE THE SERVICES NECESSARY FOR PHASE II

WHEREAS, the communications system currently in use has exceeded its expected useful life and some components of the system are in excess of twenty years old and the manufacturer is beginning to phase out support of this technology and it is becoming difficult to find replacement parts; and

WHEREAS, a recently completed communications system study recommends that the County replace the current radio communications system and upgrade to 800 megahertz technology and integrate capabilities such as mobile data technology and computer aided dispatch; and

WHEREAS, James City County has conducted a similar needs assessment for their radio communications system and is prepared to move forward with a cooperative regional approach between York County, James City County, and possibly other surrounding locations, for system design, procurement, sharing of infrastructure and equipment; and

WHEREAS, funds sufficient for the County's participation in Phase II of the joint Radio Communications Upgrade Project are available from the Contingency Reserve;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that \$90,000 be, and hereby is, authorized for expenditure from the Contingency Reserve for York County's share of Phase II of the joint Radio Communications Upgrade Project and that the County Administrator be, and hereby is, authorized to do all things necessary to procure the services for Phase II.

On roll call the vote was:

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Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

CONSENT CALENDAR

Mrs. Noll moved the adoption of the Consent Calendar, Item Nos. 5, 6, 7, 8, 9 and 10 respectively.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

April 3, 2001, Adjourned Meeting
April 3, 2001, Regular Meeting
April 17, 2001, Regular Meeting
April 24, 2001, Adjourned Meeting
April 24, 2001, Adjourned Meeting

Item No. 6. VACUUM SEWER SYSTEM AGREEMENT: HOWARDS LANDING SUBDIVISION:
Resolution R01-103.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE
COUNTY'S VACUUM SEWER COLLECTION SYSTEM TO A
PROPOSED SUBDIVISION OF PROPERTY ON KINGS GRANT
DRIVE, AND AUTHORIZING THE COUNTY ADMINISTRATOR TO
EXECUTE THE NECESSARY PUBLIC SEWER EXTENSION
AGREEMENT

WHEREAS, Clinton C. Gardner has requested that the County allow the extension of the vacuum sewer collection system to support a proposed Subdivision on Assessor's Parcel No. 30-99; and

WHEREAS, the subdivision will create two 1.03 acre lots from a single 2.06 acre parcel;
and

WHEREAS, upon approval of the subdivision's development plan, the developer will have to enter into a public sewer extension agreement pursuant to §18.1-53(b) of the York County Code to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's vacuum sewer collection system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, the Board has determined that the proposed development will not have any detrimental effect on the environment that would not otherwise occur; and

WHEREAS, the developer will pay to the County the applicable inspection and connection fees in accordance with the terms of Chapter 18.1 of the York County Code and the Sanitary Sewer Standards and Specifications; and

WHEREAS, prior to any further engineering or development of these plans, it is necessary that a determination be made as to whether the Board will authorize the extension of the vacuum sewer collection system to serve the proposed development;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that the Board approves the extension of the County's vacuum sewer collection system to serve the proposed subdivision, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with the developer for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 7. SANITARY SEWER PROJECT ENGINEERING SERVICES CHANGE ORDER – TIDEMILL ROAD: Resolution R01-101.

A RESOLUTION TO APPROVE THE PROCUREMENT OF ADDITIONAL ENGINEERING SERVICES FOR THE TIDEMILL ROAD
SANITARY SEWER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of more than 10% of the contract amount be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of more than 10% of the contract amount, and all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Tidemill Road Sanitary Sewer Project (McKim and Creed P.C.)	\$30,545.00

Item No. 8. PUBLIC SEWER EXTENSION AGREEMENT – CARTWRIGHT FAMILY SUBDIVISION: Resolution R01-80.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS THE CARTWRIGHT FAMILY SUBDIVISION, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Davis W. Cartwright, IV and Joy S. Cartwright have requested that the

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County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve a residential development to be known as the Cartwright Family Subdivision; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$5,625.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that the Board approves the extension of the County's public sewer system to serve the proposed development, Carwright Family Subdivision, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Davis W. Cartwright, IV and Joy S. Cartwright for the proposed extension; such agreement to be approved as to form by the County Attorney.

Item No. 9. REFUND OF TAXES: Resolution R01-94.

A RESOLUTION AUTHORIZING PAYMENT OF PARTIAL REFUND OF
BUSINESS LICENSE TAX TO HAND N HEART LLC

WHEREAS, York County Code § 21-7.3 requires approval from the Board of Supervisors for the payment of any refund of taxes, penalties and interest in excess of \$2,500.00; and

WHEREAS, Hand N Heart LLC has made application to the Commissioner of the Revenue for a refund of a portion of the business license tax paid for in the year 2001, by virtue of the cessation of business in York County pursuant to York County Code § 14-13; and

WHEREAS, the Request for Tax Refund has been approved and recommended by the Commissioner of the Revenue, the Treasurer, and the County Attorney;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that the Commissioner of the Revenue is authorized to refund to Hand N Heart LLC business license taxes for 2001 in the amount of \$2,939.67, together with interest in the amount of \$24.49, totaling \$2,964.16.

Item No. 10. COMMENDATION OF THE 2001-2001 YOUTH COMMISSION: Resolution R01-74.

A RESOLUTION TO COMMEND THE 2000-2001 YORK COUNTY
YOUTH COMMISSION AND TO EXPRESS THE APPRECIATION OF

THE BOARD OF SUPERVISORS TO EACH INDIVIDUAL MEMBER
FOR THEIR DEDICATED SERVICE TO YORK COUNTY

WHEREAS, the Board of Supervisors established the York County Youth Commission in 1983; and

WHEREAS, the following youth,

Daniel Shean, Chairman
Landon Haywood, Vice Chairman
Lindsay Jones, Secretary
Lindsay Bowman
Sara Brown
Joseph Caulkins
Alex Horsley
Adam Parker
Chrissy Pinnell
Ryan Touhill

have served with distinction on the 2000-2001 York County Youth Commission; and

WHEREAS, the Board of Supervisors is extremely pleased with the worthwhile activities undertaken by the Youth Commission this past year and wishes to publicly recognize the members for their accomplishments, which include:

Presenting quarterly activity reports to the Board of Supervisors;

Co-sponsoring the County's first Youth Week event featuring a nationally known youth speaker and author who addressed the importance of character development to students in school assemblies and also with parents at two evening community meetings;

Participating in Youth Week's Youth Volunteer Day by assisting at the "D.A.R.E. Race Against Drugs" event for children and families;

Distributing hundreds of American flags and brochures during the 2000 Yorktown Day Celebration;

Assisting the Historical Committee with the 2000 Christmas Tree-Lighting Ceremony in Yorktown;

Providing children's clothes to the Salvation Army to assist needy families in the County during the holiday season;

Sponsoring a County-wide dance at Grafton High School in January that was attended by more than 900 students from all four public high schools;

Contributing, on behalf of the County's youth, \$1,500 dollars from the proceeds of this dance to support next year's Youth Week event scheduled for December;

Hosting an afternoon of "Valentine Bingo" at the Senior Center of York, providing prizes and refreshments that were enjoyed by the young and young-at-heart alike;

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Organizing a day long ski trip to the Wintergreen Ski Resort for county high school aged youth that was thoroughly enjoyed by all who went;

Making revisions to the Youth Commission's Internet Web site;

Assisting the Historical Committee in its welcoming reception for the 2001 exchange students from the County's sister city of Zweibrucken, Germany;

Co-sponsoring the annual Outstanding Youth Awards program with the Board of Supervisors and honoring the award recipients with a reception and formal presentation in May;

Laying the groundwork for Youth Forums next year where members of both the Board of Supervisors and School Board will visit classes in each of the county's public high schools and converse with students about matters of importance to youth;

Taking part in VDOT's "Adopt-a-Highway" program by agreeing to periodically cleanup the shoulder areas along a two-mile stretch of Goodwin Neck Road;

Sponsoring a Youth Commission Logo Contest through the art departments at county high schools and local private schools in an effort to increase the commission's visibility and effectiveness for the county's youth;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this the 15th day of May, 2001, that the 2000-2001 York County Youth Commission members be, and they hereby are, congratulated for their dedicated service to York County and commended for an outstanding year;

BE IT STILL FURTHER RESOLVED that the York County Board of Supervisors hereby extends its best wishes for continued success to these leaders of today and tomorrow.

NEW BUSINESS

MANAGEMENT AGREEMENT WITH THE YORK TOWN TRUSTEES

Mr. McReynolds made a presentation on proposed Resolution R01-89 to authorize the execution of a joint agreement between the Board of Supervisors and the Trustees of the Town of York pertaining to the use, management, and maintenance of the Trustees' property on the Yorktown Waterfront.

Mr. Barnett explained the conditions set forth in the agreement and indicated the Trustees had approved the proposed agreement.

Mrs. Noll expressed her appreciation to Edith Elliott, Vice-Chair of the Trustees, who worked diligently to try to reach a consensus with the Trustees. She stated that the County and the Trustees owed her a debt of gratitude for allowing the Board to move forward on the Master Plan.

Mr. Zaremba stated he did not see any amendment provisions for the possibility of the Trustees subsequently wanting to amend the agreement. He asked if they were precluded from making a future amendment to the contract.

Mr. Barnett stated even without the amendment language, the parties could come together and amend the agreement mutually.

Mr. Wiggins then moved the adoption of proposed Resolution R01-89 which reads:

A RESOLUTION TO AUTHORIZE THE EXECUTION OF A JOINT AGREEMENT BETWEEN THE YORK COUNTY BOARD OF SUPERVISORS AND THE TRUSTEES OF THE TOWN OF YORK PERTAINING TO THE USE, MANAGEMENT AND MAINTENANCE OF THE TRUSTEES' PROPERTY ON THE YORKTOWN WATERFRONT

WHEREAS, the York County Board of Supervisors and the Trustees of the Town of York entered into certain written agreements, dated February 9, 1978; April 1, 1982, and October 29, 1987, wherein the parties set out certain understandings concerning the Yorktown waterfront property controlled by the Trustees; and

WHEREAS, the Board and the Trustees wish to continue the partnership established by these previous agreements; and

WHEREAS, the Board and the Trustees have negotiated a replacement agreement to redefine the rights, privileges and obligations of both parties with respect to the waterfront property; and

WHEREAS, the Board and the Trustees recognize and acknowledge that each would benefit from a cooperative effort with the other with respect to improvement of the Yorktown waterfront, and the Board further recognizes and acknowledges that the Trustees constitute a viable entity which, by working with the Board under the terms and conditions of the proposed agreement, can help facilitate the desired improvement of the Yorktown waterfront.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 15th day of May, 2001, that the Chairman or the County Administrator be, and they are hereby, authorized to execute the proposed Joint Agreement with the Trustees of the Town of York as approved by the Trustees of the Town of York at their meeting of May 7, 2001, and as approved by the County Attorney.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

SHORT-TERM AGREEMENT WITH THE NATIONAL PARK SERVICE FOR THE ARCHER COTTAGE PARKING LOT

Mr. McReynolds made a presentation on proposed Resolution R01-76 to authorize the County Administrator to execute an agreement with the National Park Service regarding the construction of the Archer Cottage parking lot.

Mr. Wiggins asked about the timeframe in which the parking lot would be finished.

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Mr. Robert S. Kraus, Yorktown Projects Manager, stated there was no authority to build the lot today because it belonged to the National Park Service. He explained that the parcel is one of the pieces of property the County plans to exchange with the National Park Service, and that exchange could take six months to several years to complete. He explained this contract bridges between today and when the land exchange can be completed, and gives the County the authority to build the parking lot today. It would be a five-year agreement and, if the land exchange is not completed, the agreement can be renewed in five-year increments.

Mr. Wiggins asked about the parking area in front of The Pub and the possible elimination of those spaces.

Mr. Kraus stated the new parking lot would be built before any additional parking would be removed.

Mrs. Noll then moved the adoption of proposed Resolution R01-76 which reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE AN AGREEMENT WITH THE NATIONAL PARK SERVICE
REGARDING THE CONSTRUCTION OF THE ARCHER COTTAGE
PARKING LOT

WHEREAS, the Yorktown Capital Improvement Program includes a project to construct a new parking lot on property owned by the National Park Service; and

WHEREAS, the Board would like to secure an easement from the National Park Service for this project since it will be on federal property; and

WHEREAS, staff is in the process of negotiating the terms and conditions for the acquisition of the necessary easement which will not be acquired for some time; and

WHEREAS, it has been determined that, in order to proceed with the project in a timely manner, a short-term agreement may be entered into with the National Park Service allowing the County to construct and operate a parking lot on property located at the southeast corner of Water and Read Streets in Yorktown, with such agreement terminating upon receipt of the above referenced easement;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that the County Administrator be, and he is hereby, authorized to execute a short-term license agreement with the National Park Service substantially the same as the draft agreement as attached to the March 29, 2001, memorandum to the Board of Supervisors from the County Administrator for the construction and operation of a parking lot in Yorktown located on property owned by the National Park Service at the southeast corner of Water and Read Streets, such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

CLOSED MEETING. At 10:14 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Reconvened. At 10:18 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPOINTMENT TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

Mrs. Noll moved the adoption of proposed Resolution R01-96 which reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE
TO THE THOMAS NELSON COMMUNITY COLLEGE BOARD

BE IT RESOLVED by the York County Board of Supervisors this the 15th day of May, 2001, that William C. Monroe be, and is hereby, reappointed as the York County representative to the Thomas Nelson Community College Board for a term of four years, such term to begin July 1, 2001, and expire June 30, 2005.

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On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett

Nay: (0)

Meeting Adjourned At 10:20 p.m. Chairman Burgett declared the meeting adjourned to 6:00 p.m., Tuesday, May 22, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors